

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS TORO, :
Plaintiff, :
: 23 Civ. 3006 (JPC)
-v- :
BODEGA, LLC, :
Defendant. :
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JOHN P. CRONAN, United States District Judge:

On May 8, 2023, Plaintiff served Defendant with copies of the Summons and Complaint. Dkt. 5. Defendant's deadline to respond to the Complaint was May 30, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i). When Defendant failed to answer, Plaintiff requested a certificate of default, which was entered on June 22, 2023, Dkt. 14. The Court then directed Plaintiff to move for default judgment by July 6, 2023, Dkt. 15, but later adjourned that deadline *sine die* at the parties' joint request for a sixty-day stay "to allow for further discussion between the parties of this case and a potential resolution." Dkt. 19. In that order, the Court adjourned Defendant's deadline to respond to the Complaint to September 15, 2023, and warned that no further extensions would be granted. *Id.* That deadline has passed, and the docket does not reflect a response to the Complaint from Defendant.

Accordingly, Plaintiff shall move for default judgment by February 2, 2024. Defendant shall respond by February 16, 2024, and Plaintiff may file any reply by February 23, 2024. Given Plaintiff's repeated noncompliance with this Court's orders, *see* Dkts. 11, 16, Plaintiff is cautioned that any failure to comply with this Order shall result in dismissal of the matter for failure to prosecute.

ORDER

SO ORDERED.

Dated: January 26, 2024
New York, New York



JOHN P. CRONAN
United States District Judge